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| 27195                      | 7590        | 12/03/2008           |                         |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

09/981,320

**Applicant(s)**

ABBOTT ET AL.

**Examiner**

NAMITHA PILLAI

**Art Unit**

2173

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-10, 12-22, 24-60 and 62-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-22, 24-60, 62-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) on 6/30/08. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith. The Examiner acknowledges Applicant's amendments to claims 1, 12, 20, 24, 26, 27, 33, 40, 42, 44, 48, 51, 54, 57, 62, 65, 68 and the cancellation of claim 61. All pending claims have been rejected in view of the prior arts disclosed below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-10, 12-22, 24-60, 62-77 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5, 740, 037 (McCann et al.), herein referred to as McCann.

Referring to claim 1, McCann discloses a computer-implemented method for dynamically determining an appropriate user interface of a plurality of pre-defined user interfaces to be presented to a user of a computing device (column 2, lines 32-34). McCann discloses determining cognitive availability of a user, the cognitive availability is a function of an amount of attention the user uses during a computer assisted task (column 2, lines 32-42). McCann discloses determining context of the user and

automatically selecting for presentation to the user one of the predefined user interfaces, wherein the selection is a function of the determined cognitive availability of the user and the user context (column 2, lines 32-42).

Referring to claim 2, McCann discloses presenting the selected predefined user interface to the user (column 2, lines 32-42).

Referring to claim 3, McCann discloses that the computing device is a wearable personal computer (Figure 7).

Referring to claim 4, McCann discloses that the current context is represented by a plurality of context attributes that each model an aspect of the context (column 2, lines 32-53).

Referring to claim 6, McCann discloses that the selecting is performed at execution time (column 2, lines 37-41).

Referring to claim 7, McCann discloses that the determining and the selecting are dynamically performed repeatedly so that the user interface that is presented to the user is appropriate to current needs (column 2, lines 32-53).

Referring to claim 8, McCann discloses that the dynamic determining and the selecting are performed repeatedly so that the user interface that is presented to the user is optimal with respect to the current needs (column 2, lines 32-53).

Referring to claim 9, McCann discloses that the determining of the current needs includes at least one of characterizing user interface ("UI") needs corresponding to a current task being performed, characterizing UI needs corresponding to a current

situation of the user, and characterizing UI needs corresponding to current I/O devices that are available (column 2, lines 32-53).

Referring to claim 10, McCann discloses that the determining of the current needs includes characterizing user interface ("UI") needs corresponding to a current task being performed, characterizing UI needs corresponding to a current situation of the user, and characterizing UI needs corresponding to current I/O devices that are available (column 2, lines 32-53).

Referring to claim 12, McCann discloses that at least one of the determining or the selecting is performed without user intervention (column 2, lines 31-37).

Referring to claim 13, McCann discloses that the selected user interface includes information to be presented to the user and interaction controls that can be manipulated by the user (column 2, lines 18-22).

Referring to claim 14, McCann discloses monitoring the user in order to produce information about the current context, or monitoring a surrounding environment of the user in order to produce information about the current context, or monitoring the user and the surrounding environment of the user in order to produce information about the current context (column 2, lines 32-53).

Referring to claim 15, McCann discloses that the current needs are determined based at least in part on the current context (column 2, lines 31-37).

Referring to claim 16, McCann discloses customizing the selected user interface based on the user before presenting of the customized user interface to the user (column 2, lines 43-48).

Referring to claim 17, McCann discloses adapting the selected user interface to a type of the computing device before presenting of the adapted user interface to the user (column 2, lines 15-20).

Referring to claim 18, McCann discloses adapting the selected user interface to a current activity of the user before presenting of the adapted user interface to the user (column 2, lines 32-37).

Referring to claim 19, McCann discloses determining of the current needs is based at least in part on the user being mobile (column 2, lines 32-43).

Referring to claim 20, McCann discloses a computer-readable medium having stored thereon computer executable instructions for carrying out the following acts (column 2, lines 11-16). McCann discloses dynamically determining cognitive availability of a user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 32-45). McCann discloses that the cognitive availability comprising at least one of an expertise of the user, an ability to extend short term memory or distractions associated with the user (column 2, lines 43-48). McCann discloses dynamically determining one or more current needs for a user interface to be presented to the user (column 2, lines 38-41). McCann discloses selecting for presentation to the user one of a plurality of predefined user interfaces whose characterized properties correspond to the dynamically determined cognitive availability of the user and current needs and presenting the selected user interface to the user (column 2, lines 32-53).

Referring to claim 21, McCann discloses that the computer-readable medium is a memory of a computing device (column 2, lines 11-16).

Referring to claim 22, McCann discloses that the computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents (column 2, lines 11-16).

Referring to claim 24, McCann discloses a computing device for dynamically determining an appropriate user interface to be presented to a user of a computing device (column 2, lines 32-34). McCann discloses a first component capable of, for each of multiple defined user interfaces, characterizing properties of the defined user interface (column 2, lines 38-53). McCann discloses a second component capable of determining during execution one or more current needs for a user interface to be presented to the user, wherein the determining includes determining cognitive load of the user (column 2, lines 38-42). McCann discloses that the cognitive loads includes a cognitive availability of the user that is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-48). McCann discloses a third component capable of selecting during execution one of the defined user interfaces whose characterized properties correspond to the dynamically determined current needs, the selected user interface for presentation to the user wherein a memory operatively coupled to a processor retains at least one of the first, second or third components (column 2, lines 32-42).

Referring to claim 25, McCann discloses that the first, second and third components are executing in memory of the computing device (column 2, lines 11-16).

Referring to claim 26, McCann discloses a computer system for dynamically determining an appropriate user interface to be presented to a user of a computing device (column 2, lines 32-34). McCann discloses means for, for each of multiple defined user interfaces, characterizing properties of the defined user interface (column 2, lines 38-53). McCann discloses means for determining during execution one or more current needs for a user interface to be presented to the user, wherein the determining includes determining cognitive availability of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 32-53). McCann discloses means for selecting during execution one of the defined user interfaces whose characterized properties correspond to the dynamically determined current needs, the selected user interface for presentation to the user wherein a memory operatively coupled to a processor retains at least one of the means (column 2, lines 32-53).

Referring to claim 27, McCann discloses a method for dynamically determining an appropriate user interface to be presented to a user of a computing device based on a current context (column 2, lines 32-34). McCann discloses determining multiple user interface elements that are available for presentation on the computing device (column 2, lines 32-37). McCann discloses characterizing properties of the determined user interface elements, dynamically determining cognitive availability of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 38-48). McCann discloses dynamically determining one or more current needs for a user interface to be presented to the user

(column 2, lines 32-34). McCann discloses generating a user interface for presentation to the user, the generated user interface having user interface elements whose characterized properties correspond to the dynamically determined current needs and cognitive availability of the user (column 2, lines 32-52).

Referring to claim 28, McCann discloses presenting the generated user interface to the user (column 2, lines 18-22).

Referring to claim 29, McCann discloses that the dynamic determining and the generating are performed repeatedly so that the user interface that is presented to the user is optimal with respect to the current needs (column 2, lines 32-37).

Referring to claim 30, McCann discloses determining and the generating are performed without user intervention (column 2, lines 32-37).

Referring to claim 31, McCann discloses retrieving one or more definitions for combining available user interface elements in an appropriate manner so as to satisfy current needs, and wherein the generating of the user interface uses at least one of the retrieved definitions to combine the user interface elements of the generated user interface in a manner that is appropriate to the determined current needs (column 2, lines 32-37).

Referring to claim 32, McCann discloses retrieving one or more definitions for adapting available user interface elements to a type of computing device, and wherein the generating of the user interface uses at least one of the retrieved definitions to combine the user interface elements of the generated user interface in a manner specific to the type of the computing device (column 2, lines 32-37).

Referring to claim 33, McCann discloses a method for dynamically presenting an appropriate user interface to a user of a computing device based on a current context (column 2, lines 32-34). McCann discloses presenting a first user interface to the user without user intervention, determining that the current context has changed in such a manner that the first user interface is not appropriate for the user (column 2, lines 38-48). McCann discloses that the changed context including at least one of a change in a current location of the user, a change in a current mental state of the user, or a change in one or more devices currently available to the user (column 2, lines 38-48). McCann discloses selecting a second user interface that is appropriate for the user based at least in part on the current context and a current cognitive availability of the user, the current cognitive availability is a function of an amount of attention the user uses during a computer-assisted task and presenting the second user interface to the user (column 2, lines 38-48).

Referring to claim 34, McCann discloses determining that the current context has changed in such a manner that the first user interface is not appropriate for the user includes automatically detecting the changes (column 2, lines 32-34).

Referring to claim 35, McCann discloses selecting of the second user interface is performed without user intervention (column 2, lines 43-48).

Referring to claim 36, McCann discloses that the second user interface is one of multiple predefined user interfaces (column 2, lines 38-53).

Referring to claim 37, McCann discloses that the second user interface is dynamically generated after the determining of the changes in the current context (column 2, lines 43-48).

Referring to claim 38, McCann discloses that the second user interface is a modification of the first user interface (column 2, lines 43-48).

Referring to claim 39, McCann discloses modifying of the first user interface ("UI") includes modifying prominence of one or more UI elements of the first user interface, modifying associations between the UI elements, modifying a metaphor associated with the first user interface, modifying a sensory analogy associated with the first user interface, modifying a degree of background awareness associated with the first user interface, modifying a degree of invitation associated with the first user interface, and/or modifying a degree of safety of the user based on one or more indications presented as part of the second user interface that were not part of the first user interface (column 2, lines 43-48).

Referring to claim 40, McCann discloses a method for characterizing predefined user interfaces to allow a user interface that is currently appropriate to be presented to a user of a computing device to be dynamically selected (column 2, lines 32-53). McCann discloses for each of multiple predefined user interfaces, characterizing the user interface by, determining an intended use of the predefined user interface (column 2, lines 32-37). McCann discloses dynamically determining cognitive load of the user, the cognitive load includes a cognitive availability of the user that is a function of an amount of attention the user utilizes during a computer-assisted task (column 2, lines 38-42).

McCann discloses determining one or more user tasks with which the predefined user interface is compatible and determining one or more computing device configuration with which the predefined user interface is compatible, so that one of the predefined user interfaces can be dynamically selected for presentation to a user based on the selected user interface being currently appropriate (column 2, lines 32-53).

Referring to claim 41, McCann discloses determining information about a current context and selecting one of the predefined user interfaces that is appropriate for the current context (column 2, lines 32-42).

Referring to claim 42, McCann discloses characterizing of each of the predefined user interfaces includes at least one of characterizing content of the user interface, characterizing a cost of using the user interface, characterizing a relevant date for the user interface, characterizing a design of elements of the user interface, characterizing functions of the elements of the user interface, characterizing hardware affinity of the user interface, characterizing an identification of the user interface, characterizing an importance of the user interface, characterizing input and output devices that are compatible with the user interface, characterizing languages to which the user interface corresponds, characterizing a learning profile of the user interface, characterizing task lengths for which the user interface is compatible, characterizing a name of the user interface, characterizing physical availability of the user interface, characterizing a power supply of the user interface, characterizing a priority of the user interface, characterizing privacy supported by the user interface, characterizing processing capabilities used for the user interface, characterizing safety capabilities of the user

interface, characterizing security capabilities of the user interface, characterizing a source of the user interface, characterizing storage capabilities used for the user interface, characterizing audio capabilities of the user interface, characterizing task complexities compatible with the user interface, characterizing themes corresponding to the user interface, characterizing an urgency level for the user interface, characterizing a user attention level for the user interface, characterizing user characteristics compatible with the user interface, characterizing user expertise levels compatible with the user interface, characterizing user preference accommodation capabilities of the user interface, characterizing a version of the user interface, or characterizing video capabilities of the user interface (column 2, lines 32-37).

Referring to claim 43, McCann discloses characterizing of each of the predefined user interfaces is performed without user intervention (column 2, lines 32-37).

Referring to claim 44, McCann discloses a method for dynamically determining requirements for a user interface that is currently appropriate to be presented to a user of a computing device based on a current context (column 2, lines 32-34). McCann discloses dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user, the determining based at least in part on the current context (column 2, lines 38-40). McCann discloses dynamically determining cognitive availability of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-45). McCann discloses identifying at least some of the determined

characteristics as requirements for a user interface that is currently appropriate to be presented to the user (column 2, lines 38-42).

Referring to claim 45, McCann discloses determining a user interface that satisfies the determined requirements and presenting the determined user interface to the user (column 2, lines 38-42).

Referring to claim 46, McCann discloses determining of the current characteristics includes determining characteristics corresponding to a current task being performed, determining characteristics corresponding to a current situation of the user, and/or determining characteristics corresponding to current I/O devices that are available (column 2, lines 32-37).

Referring to claim 47, McCann discloses determining of the current characteristics is performed without user intervention (column 2, lines 32-34).

Referring to claim 48, McCann discloses a method for dynamically determining requirements for a user interface that is currently appropriate to be presented to a user of a computing device (column 2, lines 32-34). McCann discloses dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user, the determining based at least in part on a current task being performed by the user (column 2, lines 32-37). McCann discloses dynamically determining cognitive availability of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-45). McCann discloses identifying at least some of the determined

characteristics as requirements for a user interface that is currently appropriate to be presented to the user (column 2, lines 38-42).

Referring to claim 49, McCann discloses determining a user interface that satisfies the determined requirements and presenting the determined user interface to the user (column 2, lines 38-42).

Referring to claim 50, McCann discloses determining of the current characteristics is performed without user intervention (column 2, lines 32-34).

Referring to claim 51, McCann discloses a method for dynamically determining requirements for a user interface that is currently appropriate to be presented to a user of a computing device (column 2, lines 38-42). McCann discloses dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user, the determining based at least in part on current I/O devices that are available to the computing device, and dynamically determining cognitive load of the user, the cognitive load includes cognitive availability of the user that is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 32-45). McCann discloses identifying at least some of the determined characteristics as requirements for a user interface that is currently appropriate to be presented to the user (column 2, lines 38-43).

Referring to claim 52, McCann discloses determining a user interface that satisfies the determined requirements and presenting the determined user interface to the user (column 2, lines 38-43).

Referring to claim 53, McCann discloses determining of the current characteristics is performed without user intervention (column 2, lines 38-40).

Referring to claim 54, McCann discloses a method for dynamically determining requirements for a user interface that is currently appropriate to be presented to a user of a computing device (column 5, lines 38-43). McCann discloses dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user, the determining based at least in part on a current context of the user, the current context including cognitive availability capabilities of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-48). McCann discloses identifying at least some of the determined characteristics as requirements for a user interface that is currently appropriate to be presented to the user (column 2, lines 49-54).

Referring to claim 55, McCann discloses determining a user interface that satisfies the determined requirements and presenting the determined user interface to the user (column 2, lines 38-43).

Referring to claim 56, McCann discloses determining of the current characteristics is performed without user intervention (column 2, lines 32-37).

Referring to claim 57, McCann discloses a method for dynamically determining characteristics of a user interface that is currently appropriate to be presented to a user of a computing device (column 2, lines 11-24). McCann discloses dynamically determining a level of attention which the user can currently give to the user interface

based in part on the cognitive availability of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 32-45), where based on the attention that the soldier can give the user interface, an appropriate user interface is provided. McCann discloses dynamically determining one or more current characteristics of a user interface that is currently appropriate to be presented to the user based at least in part on the determined level of attention (column 2, lines 32-42).

Referring to claim 58, McCann discloses determining a user interface that includes the determined characteristics and presenting the determined user interface to the user (column 2, lines 32-42).

Referring to claim 59, McCann discloses the determined level of attention is based on a determined current cognitive load of the user (column 2, lines 32-42).

Referring to claim 60, McCann discloses the determining of the current characteristics is performed without user intervention (column 2, lines 32-42).

Referring to claim 62, McCann discloses a method for determining techniques for dynamically generating an appropriate user interface to be presented to a user of a computing device (column 2, lines 15-20). McCann discloses retrieving one or more definitions for dynamically combining available user interface elements in an appropriate manner so as to satisfy current needs (column 2, lines 38-43). McCann discloses dynamically determining cognitive load of the user, the cognitive load includes a cognitive availability of the user that is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-48). McCann discloses

selecting one of the retrieved definitions based on current conditions, and the determined cognitive load of the user so that available user interface elements can be combined in an appropriate manner to generate a user interface that is appropriate to be presented to the user (column 2, lines 38-43).

Referring to claim 63, McCann discloses the selected definition to generate a user interface that is appropriate to be presented to the user and presenting the generated user interface to the user (column 2, lines 38-43).

Referring to claim 64, McCann discloses the selecting of the retrieved definition is performed without user intervention (column 2, lines 32-34).

Referring to claim 65, McCann discloses a method for determining techniques for dynamically generating an appropriate user interface to be presented to a user of a computing device (column 2, lines 32-34). McCann discloses retrieving one or more definitions for dynamically adapting available user interface elements to a type of computing device (column 2, lines 16-22). McCann discloses dynamically determining cognitive availability of the user the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 32-48). McCann discloses selecting one of the retrieved definitions based on current conditions, and the determined cognitive availability of the user so that available user interface elements can be adapted to the type of the computing device so as to generate a user interface that is appropriate to be presented to the user (column 2, lines 32-48).

Referring to claim 66, McCann discloses using the selected definition to generate a user interface that is appropriate to be presented to the user and presenting the generated user interface to the user (column 2, lines 38-43).

Referring to claim 67, McCann discloses selecting of the retrieved definition is performed without user intervention (column 2, lines 32-37).

Referring to claim 68, McCann discloses a method for dynamically determining an appropriate user interface to be presented to a user of a computing device based on a current context (column 2, lines 32-34). McCann discloses determining multiple user interface elements that are available for presentation on the computing device (column 2, lines 38-54). McCann discloses determining cognitive availability capabilities of the user, the cognitive availability is a function of an amount of attention the user uses during a computer-assisted task (column 2, lines 43-45). McCann discloses characterizing properties of the determined user interface elements, so that available user interface elements whose characterized properties are appropriate for a current context (column 2, lines 38-43). McCann discloses the determined cognitive availability capabilities of the user can be selected and combined in an appropriate manner to generate a user interface that is appropriate to be presented to the user (column 2, lines 38-43).

Referring to claim 69, McCann discloses combining available user interface elements whose characterized properties are appropriate for a current context in order to generate a user interface that is appropriate to be presented to the user and presenting the generated user interface to the user (column 2, lines 38-43).

Referring to claim 70, McCann discloses characterizing of the properties is performed without user intervention (column 2, lines 32-34).

Referring to claim 71, McCann discloses cognitive availability comprises the user's precognitive state is unavailable (column 2, lines 32-34).

Referring to claim 72, McCann discloses cognitive availability comprises the user has enough background awareness available to receive one or more types of feedback or status (column 2, lines 22-24).

Referring to claim 73, McCann discloses cognitive load comprises cognitive demand (column 2, lines 43-45).

Referring to claim 74, McCann discloses cognitive load comprises cognitive availability (column 2, lines 43-45).

Referring to claim 75, McCann discloses cognitive load comprises degree to which working memory is engaged (column 2, lines 43-45).

Referring to claim 76, McCann discloses cognitive availability comprises the user's precognitive state is unavailable (column 2, lines 43-45).

Referring to claim 77, McCann discloses cognitive availability comprises the user has enough background awareness available to receive one or more types of feedback or status (column 2, lines 22-24).

### ***Response to Arguments***

3. Applicant's arguments filed 6/30/08 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

4. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Patent Examiner  
Art Unit 2173  
November 24, 2004

/Namitha Pillai/

Primary Examiner, Art Unit 2173